IN THE HIGH COURT OF JUDICATURE FOR

RAJASTHAN AT JODHPUR

::::

O R D E R

Smt. Meena Chouhan
vs.
State of Rajasthan & Anr.

S.B. CIVIL WRIT PETITION NO.5947/2003 UNDER ARTICLE 14, 16, 19 & 21 OF THE CONSTITUTION OF INDIA.

DATE OF ORDER :: 03rd November, 2006

PRESENT

HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Mr.Sanjeet Purohit for
Mr.Vinod Purohit, Advocate for the petitioner.
Mr.Rameshwar Dave, Dy. Govt. Advocate.

BY THE COURT

This petition has been filed with a prayer for issuing mandamus to the respondents to follow the procedure for appointment on the post of Senior Teacher (Mathematics) as contained in Rajasthan Educational Subordinate Service Rules, 1971

(for short 'Rules of 1971') and consider her candidature for appointment on the basis of qualification possessed by her.

The respondents have contested the petition and argued that the petitioner does not possess requisite qualification for appointment as Senior Teacher as per Rules of 1971. According to item No.8 of the Schedule appended to the Rules of 1971, the minimum qualification for appointment as Senior Teacher is that a candidate should be a graduate or having equivalent qualification with at least two subjects in Schools with the degree or Diploma in education or Montessory training.

I have heard Shri Sanjeet Purohit, learned counsel for the petitioner and Shri Rameshwar Dave, Dy. Govt. Advocate and perused the record.

Learned Dy. Govt. Advocate argued that while the petitioner has acquired B.Ed. Decree having subjects of Mathematics, Pubic Administration and Sociology but the latter two subjects are not taught in the Schools, thus, leaving the petitioner with only such subject. The petitioner therefore does not possess the decree of graduation with at least two subjects taught in the Schools as

required by Rules of 1971 and has brought to my notice the judgment of Co-ordinate Benchs of this Court in Smt.Chanda Chaudhary vs. State of Raj. & Ors. in S.B. Civil Writ Petition No.3707/2001, Kailash Pahadia vs. State of Rajasthan & Anr. in S.B. Civil Writ Petition NO.3083/2001 in which this view has been taken. He submits that these judgments have even been upheld by division bench of this Court.

Having considered the arguments of the parties, I find that the controversy raised in the present petition is covered by the aforesaid decisions of the Co-ordinate Benches of this Court. I do not see any good ground to take a different view than the one taken in these judgments.

In view of the aforesaid discussion, the writ petition is dismissed.

[MOHAMMAD RAFIQ],J.

A.K.Chahar/-